THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 12299 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed challenging the order dated 23.11.2006 passed by the Central Administrative Tribunal, Hyderabad Bench in O.A. No. 957 of 2007.

The respondent No.1 herein filed O.A. No. 957 of 2006 seeking to set aside the order dated 25.10.205 issued by the 2nd petitioner herein vide Order No.3592/Dir/2005/DGAOA/Admin-I and to set aside the consequential order issued by the 2nd petitioner dated 24.10.2005 vide Order No. 5181/DGAQA/Admin-I as illegal and arbitrary. His case is that he had not been not promoted from Principal Scientific Officer to Director in OCRI (HAL) Hyderabad though several of his juniors had been considered and that the authorities erroneously relied upon the ACRs which were not at all communicated to him. After hearing the learned counsel for the parties and perusing the material available on record, the Tribunal directed the petitioners herein to re-verify the ACRs and to communicate the 'down grading' remarks, if any, during the five years prior to 2005 when DPC met and formed the panel impugned therein and which are below the 'bench mark' to the applicant and thereafter to permit the applicant to represent regarding the same if he so desires. The Tribunal further directed that in case the competent authority takes a decision in favour of the applicant, then his ACRs should be corrected and review DPC should be convened to grant him all consequential benefits, and gave six months' time from

the date of communication of that order to complete the exercise. Aggrieved, the petitioners filed this writ petition.

Heard the learned Assistant Solicitor General appearing for the petitioners and perused the material available on record.

Though the learned Assistant Solicitor General tried to persuade this Court that the order passed by the Tribunal is erroneous, having perused the material available on record this Court is of the considered view that the authorities have come to the conclusion that the respondent No.1 has not reached the 'benchmark', without communicating the ACRs to respondent No.1 and without giving him an opportunity to represent. Under those circumstances, the Tribunal only directed the respondents to convene a review DPC and to permit the respondent No.1 to represent his case after communicating the 'down-grading' remarks, if any. Having regard to the facts and circumstances, the order passed by the Tribunal cannot be said to be illegal or arbitrary warranting interference of this Court.

We find no merit in this writ petition. It is accordingly dismissed.

However, learned Assistant Solicitor General seeks further time stating that the time stipulated by the Tribunal to complete the exercise is not sufficient. Having regard to the said submission, if the petitioners could not complete the exercise as directed by the Tribunal within the time stipulated by the Tribunal, they are granted three months' further time in addition to the time already granted by the Tribunal.

T. MEENA KUMARI,

J.

G. CHANDRAIAH, J.

Date: 15-06-2007.

MVB.